Response from the Northern Ireland Commissioner for Children and Young People to the Draft Northern Ireland Children and Young People’s Plan, 2 November 2011

1.0 Introduction

The office of the Commissioner for Children and Young People (NICCY) was created in accordance with ‘The Commissioner for Children and Young People (Northern Ireland) Order’ (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland.

Under articles 7(2)(3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. The remit of our office is children and young people from birth up to 18 years, or 21 years of age where a young person is care experienced or has a disability.

In determining how to carry out her functions, the Commissioner’s paramount consideration is the rights of the child and NICCY is required to base all its work on the United Nations Convention on the Rights of the Child (UNCRC).

2.0 International Law

Children’s Rights

The UK Government, including Northern Ireland, is a signatory to the UNCRC and has agreed to uphold the rights of children and young people based on the Convention.

NICCY appreciates that there are often complexities when reconciling the rights of children and young people with their welfare and best interests. We recommend that the following relevant articles of the UNCRC are incorporated as underlying principles in the Plan to ensure that the rights and best interests of children are protected:

- Article 2: Children shall not be discriminated against and shall have equal access to all articles in the UNCRC.
- Article 3: All decisions taken which affect children’s lives should be taken in the child’s best interests.
- Article 6: All children have the right to life and to the fullest level of development.
• Article 12: Children have the right to have their voices heard in all matters concerning them.

The following articles are also relevant and require special consideration within the Plan:

• Article 4: Government should take all appropriate legislative, administrative and other measures for the implementation of the UNCRC to the maximum extent of available resources.

NICCY encourages the Children and Young People’s Strategic Partnership (CYPSP) to take all possible steps to ensure that the Plan is compatible with the UNCRC.

3.0 Research

NICCY acknowledges that government has established a number of mechanisms to promote children’s interests, including the Children’s Strategy, Ministerial subgroup on Children and the appointment of departmental Children’s Champions, but we are concerned that these have not secured effective change for children.

We have recently commissioned research carried out by Queen’s University Belfast¹ to examine the barriers to effective delivery for children and the report identifies a range of actions that should be taken such as:

• Prioritising children in the new Programme for Government
• Making children visible in budgets and ring-fencing resources for children
• Introducing a duty to cooperate to meet the high level outcomes of the Children’s Strategy across the Executive.

NICCY notes that some of these concerns are reflected by the CYPSP in the draft Plan and we would highlight that integrated working and delivery across the Partnership and the Northern Ireland Executive has the potential to promote the implementation of many aspects of children’s rights.

4.0 Consultation with Children and Young People

¹ Byrne B. and Lundy L. (2008) Barriers to Effective Government Delivery for Children in Northern Ireland, (Belfast: NICCY) will be published on 9 November 2011.
NICCY has regularly expressed concern that the Section 75 statutory duty to consult on and equality impact assess policies has not been adequately enforced in respect of the age criterion. This has meant public authorities are failing in their duty to meaningfully consult with children and young people on issues that have direct relevance to their lives. Article 12 of the UNCRC also states that children have the right to express their opinion in matters directly impacting upon them and to have those views given due weight in accordance with their age and maturity.

We endorse the development of a Participation Strategy by the CYPSP and are keen to hear how the Partnership has sought to include the views of children and young people in the drafting of the Plan.

5.0 Comments on the draft Plan

Chapter one: The CYPSP

NICCY warmly welcomes the establishment of the CYPSP which marks an important step in progressing the integrated planning and commissioning of services for children, young people and families across Northern Ireland.

Role, purpose, representation and ethos

It is positive that the CYPSP brings together such a wide range of agencies, such as those from health and social care, education, youth justice, councils and the voluntary sector. It is welcome that this breadth of organisations is engaged in the process, although the document should state that the Health and Social Care Board within the Public Health Agency hosts and facilitates the Partnership. It would also be helpful for the Plan to clarify that the CYPSP consists of many agencies with operational responsibilities, rather than all agencies, who have a core concern with children’s lives.

We have previously raised our disappointment that the Plan does not reference NICCY’s role and functions as the statutory body with the principal aim of safeguarding and promoting the rights and best interests of children and young people in Northern Ireland. NICCY has a mandate to monitor the effectiveness of law, practices and services by designated relevant authorities, many of which are members of the CYPSP, and to enable us to fulfill our oversight function we have requested observer status on the Partnership.

It would be helpful for the draft Plan to ensure that meaningful links are made from the Partnership to Departments and the Northern Ireland Executive who are the duty bearers with responsibility for ensuring agencies meet the needs of
children and young people. We note that the Department of Social Development is listed as a member of the Partnership and would encourage the CYPSP to ensure there is consistent engagement with departments across the Executive. In particular, it is important that there is an established relationship with the Office of the First and Deputy First Minister which is responsible for the Children’s Strategy whose outcomes the draft Plan is focused on.

In considering the engagement of the voluntary and community sector with the CYPSP the effectiveness with which this diverse sector is represented by and informs the work of the Partnership should be monitored. It will also be necessary to consider the interests of any organisation whether from statutory or non statutory sectors who may not be members of or engage at any of the levels at which the CYPSP will operate.

**Strategic context**

We strongly support recognition that the UNCRC is an important part of the context of the draft Plan. The articles of the UNCRC are often understood as providing rights across the four key areas of: survival, protection, participation and development.\(^2\) NICCY would welcome the Plan reflecting this articulation of UNCRC rights which more clearly identifies the rights to survival and development that the work of many agencies of the CYPSP directly relate to. It would also be helpful for the Plan to acknowledge the special protection needs of some groups as set out in the UNCRC, such as asylum seeking and migrant children and children in contact with justice agencies.

NICCY notes the potential of the Plan and the work of the CYPSP to both promote children’s rights and provide a mechanism through which these can be more effectively delivered. As noted above, we welcome the development of a Participation Strategy which should strengthen the CYPSP by ensuring it engages with and is informed by the views and experiences of children.

As the Children’s Services Planning process moves from a focus on the interests of vulnerable groups of children to those of all children it is important the needs of marginalised groups and those likely to experience negative outcomes continue to be addressed. The Plan must also have the capacity to respond to emerging concerns, such as the special protection needs of separated children.

**Chapter two: Outcomes based planning**

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NICCY welcomes the Northern Ireland wide structure in the draft Plan and the strong focus on outcomes and the Children’s Strategy in the planning and monitoring framework. To maximise the effectiveness of the CYPSP it is important that there is good communication between and across all levels of the Partnership structure. While we agree with the statement that everyone in Northern Ireland has a role in working towards the outcomes of the Children’s Strategy we are mindful that statutory bodies have particular responsibilities in delivering services to children and families.

**Key priorities of the partnership**

In considering the four strategic themes of the draft Plan we support the ‘Optimisation of Resources’ and ‘Integration of planning’ priorities which should be a key focus for the CYPSP. These are areas where, as budget holders and commissioners, the Partnership has a unique role and ability to deliver positive change for children and young people through the provision of services which more effectively meet their needs. Within the ‘Integration of planning’ theme we particularly support the CYPSP progressing work in relation to the first three areas noted.

NICCY welcomes the staged elements of work in these themes, such as, each agency ensuring business plan commitments reflect the work of the CYPSP and Outcomes Groups moving towards joint commissioning. We note the need for the CYPSP to consider how it will engage with other regional structures, such as the new Safeguarding Board and the Framework for the Health and Wellbeing of Children and Young People. It is important to recognise that while the CYPSP is the ‘strategic sponsor and steward’ of the Plan, the member agencies will also be accountable for the progress or lack of development in implementing the Plan and we would welcome greater detail on how this will be addressed.

In relation to the ‘Early intervention’ theme we welcome recognition of importance of this, which is an issue NICCY has raised on many occasions. The draft Plan should clarify that early intervention approaches are not simply aligned with early years work but should be in place across all stages of a child’s life and include preventative strategies. The shift to this approach to service provision will require a considerable refocus of planning and resource allocation which must also ensure that those beyond the early intervention stage of need will have access to the services they require.

It would be helpful to have further detail on the designation of Northern Ireland as an early intervention site including information on how the designation is allocated and evaluations of the impact of similar initiatives. We understand the
CYPSN has developed a position paper on early intervention and we would be grateful if we could receive a copy of this.

Within the ‘Advising government’ theme we would note the potential tensions of this for Partnership members who are accountable to departments for delivering policy and services as directed. NICCY welcomes the statement that the Programme for Government should facilitate joined up approaches to children and is supportive of the long term calls for a Children’s Minister and children’s budgeting.

The invisibility of children in the Programme for Government and departmental budgets has been raised repeatedly by NICCY with our commissioned research highlighting that Northern Ireland expenditure on children and families within personal social services is significantly lower than all other UK jurisdictions.\(^3\) Within this theme, the absence of a statutory duty to cooperate is notable and we are of the view that this may be an effective mechanism to secure joined up government.

NICCY welcomes the four key messages that the CYPSN has agreed to communicate and particularly endorses the first of these which states that children’s rights as well as their needs must be addressed through integrated planning.

**Outcomes and key information on outcomes**

It is positive that indicators have been referenced against the UNCRC and therefore recognise both the rights and needs of children and young people. The Partnership must seek to ensure that there is consistent data gathering of both quantitative and qualitative information across all areas and localities and that the CYPSN groups share best practice in this regard.

In considering the headings placed within each of the six Children’s Strategy outcomes it would be useful for the draft Plan to give further consideration of these. For example, rates of children on the Child Protection Register within the ‘living with safety and stability’ outcome may be affected by many variables including changes in thresholds for social care intervention, public confidence in reporting child protection concerns or effective preventative work. Within the outcome of ‘living in a society which respects their rights’, including a reference to the UN Committee’s Concluding Observations following examination of

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government implementation of the UNCRC will strengthen the rights approach within the Plan.4

Chapter 3 – Early intervention

As discussed earlier, it is important for the draft Plan should articulate a clear definition of early intervention. We note that the UNCRC article which is referenced in part, relates to the role of parents and carers in children’s lives and the provision of support to them. The Plan should reflect that early intervention approaches are not solely associated with family support and early years but must also consider the needs of children who, for example, require intervention for adverse experiences in later years and for children in the care of the state.

Whilst we acknowledge the valuable work and expertise of the voluntary and community sector in family support provision we would note that monitoring must be in place to ensure that where thresholds for statutory child protection interventions are reached these are provided. We would also raise our concern that the voluntary sector may be particularly exposed to cuts in funding which would directly affect services for children and families.

Chapter four: Planning for specific groups and for specific localities

NICCY notes the information about the regional sub groups, outcomes groups and locality planning groups. In relation to the regional sub groups it would be helpful to be provided with further detail on the identification of these particular groups and the relationship between this work and the six overarching themes and standards of the Children and Young People’s Service Framework.

The information provided about locality planning groups currently linked to the CYPSP highlights the different stages of engagement across the five Outcomes Groups areas. It is important that the Plan recognises this and invests in achieving consistency to ensure that localities are not disadvantaged in the process due to lack of development or engagement. The Partnership should ensure that within this framework groups remain able to respond to the specific needs of their localities.

4 The UK Children’s Commissioners’ 2008 Report to the UN Committee on the Rights of the Child for their examination of the UK State Party can be accessed at: http://www.niccy.org/uploaded_docs/UNCRC_REPORT_FINAL.pdf
The UK Children’s Commissioners will be publishing a Midterm Report to the UK State Party on the UNCRC on 21 November 2011.
6.0 Conclusion

Key Recommendations

- NICCY welcomes the establishment of the CYPSP to progress the integrated planning and commissioning of services for children, young people and families. The development of a Participation Strategy to ensure children and young people shape this work is particularly welcome. NICCY has requested observer status on the Partnership.

- The Plan should establish clear links from the Partnership to Departments and the Northern Ireland Executive. The document should outline how the CYPSP will engage with other structures, such as, the Safeguarding Board. The CYPSP should also monitor how the voluntary and community sector is represented by and informs their work.

- NICCY welcomes the CYPSP’s commitment to addressing children’s rights as well as their needs and the prominence given to the UNCRC. The Plan should reference the special protection needs of some children and should have the capacity to respond to new and emerging needs.

- We are supportive of calls that the Programme for Government should facilitate joined up working for children, that there should be a Children’s Minister and also children’s budgeting. The Plan should also consider advocating the introduction of a statutory duty to cooperate. The ‘Early Intervention’ theme should be discussed in greater detail and make reference to how this would operate across all stages of a child’s life.

- The CYPSP should ensure there is consistent data gathering and engagement across all areas and all levels of the Partnership.